

REMARKS

The Office Action mailed July 2, 2008 has been reviewed and carefully considered. Entry of this Amendment and reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested

Claims 1-19 are pending and stand rejected.

Claims 1-3 and 10-12 have been amended.

The Title is objected to for containing a typographical error.

Applicant thanks the Examiner for his observation. However, applicant cannot find the noted error in the documents available to the applicant. Hence, application authorizes the Examiner to make the necessary change to the Title to correct the noted typographical error.

Claims 1, 2, 9, 10, 11, 18, and 19 stand rejected under 35 USC 103(a) as being unpatentable over Smith (USP no. 6,580,914) in view of Meade (USPPA 2003/0073412).

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims. However, in order to advance the prosecution of the instant application, independent claims 1 and 10 have been amended to recite the invention in better form. More specifically, the claims have been amended further recite that the current location is determined after receiving an initiating signal the initiating signal being selected from one of a user input and a received signal. No new matter has been added. Support for the amendment may be found at least in claims 2 and 3. In addition the independent claims have been amended to further recite that the determined location is saved based on a longevity of the terminal in an area proximate to the current location. No new matter has been added. Support for this amendment may be found at least on page 4, lines 21-29.

Although, the subject matter of these claims has been rejected by the cited references, it will be shown that the combination of the references cited fails to disclose the invention claimed.

Smith discloses a system for providing location information of a handset from one network to another network or resource in response to the request for such information from the other network or resource. Smith illustrates in Figure 1 a situation wherein information is transferred from one network to another network through the handset and the process for transferring information from one network to another (Figure 6).

Meade discloses a system for controlling an appliance by a mobile computing device by determining an available content for the appliance, selecting the content used by the appliance and applying user preferences to the appliance. Meade is recited for teaching a TIVO system that is a recommending system known by its dynamic selection.

O'Neill discloses a system wherein a location of the terminal is periodically provided to a advertising server. The advertising server collects the periodically provided locations and matches the location with a merchant database to determine whether advertising information provided by the merchant should be provided to the terminal.

In rejecting the claims, the Examiner refers to Smith for teaching that a current location may be requested from a terminal and that the location may be provide to a device, such as a TIVO of Meade. The Examiner further refers to O'Neill for teaching a timer and considering a timing feature associated with the terminal.

However, contrary to the Examiner's assertion, applicant submits that neither Smith nor Meade discloses a timing feature and O'Neill fails to teach a system wherein a current location is saved based on a longevity of the terminal in an area proximate to the determined current location. Rather O'Neill discloses a system wherein the terminal provides location information of a terminal on a periodic basis (see page 2, para. 0039, "[i]n step 615, mobile IP terminal 100 waits a predetermined period of time, such as 30 seconds, before once again sampling its location and transmitting the location sample to the advertising server 110."). Thus, O'Neill teaches a periodic transmission of a location and fails to disclose the saving of location in the terminal based on a longevity of the

terminal proximate the current location, as is recited in the claims.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met, 1. there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the reference teachings, 2. there must be a reasonable expectation of success; and 3. the prior art reference must teach or suggest all the claim limitations.

In this case, a *prima facie* case of obviousness has not been made as each of the elements recited in the claims is not disclosed by the combination of Smith, Meade and O'Neill.

For the amendments made to the independent claims 1 and 10 and for the remarks made herein, applicant submits that the combination of Smith, Meade and O'Neill fails to include all the elements recited in the independent claims. Accordingly, the subject matter recited in the independent claims is not render obvious as the teachings of the combined references fails to disclose all the elements claimed.

Applicant respectfully requests that the rejection be withdrawn and the independent claims allowed.

With regard to remaining claims, these claims ultimately depend from one of the independent claims and, hence, are allowable by virtue of their dependency upon an allowable base claim.

Claims 3-8 and 12-17 stand rejected under 35 USC 103(a) as being unpatentable over Smith in view of Meade and further in view of O'Neil (USPPA 2002/017027).

With regard to aforementioned claims, these claims ultimately depend from one of the independent claims and, hence, are allowable by virtue of their dependency upon an allowable base claim.

For all the foregoing reasons, it is respectfully submitted that all the claims are in allowable form and the issuance of a Notice of Allowance is respectfully requested.

In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney at the telephone given below.

No fees are believed necessary for the timely filing of this paper.

Respectfully submitted,

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Date: October 16, 2008

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